

AN ORDINANCE BY COUNCILMEMBERS

NATALYN ARCHIBONG AND CARLA SMITH

**AS SUBSTITUTED BY COMMUNITY DEVELOPMENT &
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AMENDING AND SUPPLEMENTING THAT CERTAIN ORDINANCE 05-O-2259 ENACTED BY THE CITY COUNCIL OF THE CITY ON NOVEMBER 21, 2005 AND SIGNED BY THE MAYOR ON NOVEMBER 22, 2005 TO AUTHORIZE ADDITIONAL FUNDING FOR THE MEMORIAL DRIVE GREENWAY PROJECT IN THE AMOUNT OF THREE HUNDRED NINETY NINE THOUSAND AND SIX HUNDRED THIRTY DOLLARS (\$399,630.00) FROM QUALITY OF LIFE BOND 2 DISTRICT 5 GREENSPACE FUNDS, FUND ACCOUNT CENTER NUMBER 1C50-571001-Y63F062792BH; APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT RELATING THERETO; AND FOR OTHER PURPOSES

WHEREAS, in order to encourage the redevelopment of the eastern downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Ordinance 03-O-1846, adopted on December 2, 2003 and signed by the Mayor on December 9, 2003, as amended by the City Council of the City by Ordinance 04-O-0231, adopted on February 16, 2004 and approved by the Mayor on February 24, 2004 (i) adopted the Eastside Redevelopment Plan (the "Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. § 36-44-1, et seq. (the "Act"), and (ii) created the City of Atlanta Tax Allocation District Number Five – Eastside (the "TAD"); and

WHEREAS, the City has previously authorized the undertaking and funding of certain parks and greenspace projects, including, without limitation the Memorial Drive Greenway Project, within the TAD pursuant to Ordinance 05-O-2259, adopted on November 21, 2005 and signed by the Mayor on November 22, 2005 (the "Greenway Acquisition Ordinance") and attached hereto as Exhibit A; and

WHEREAS, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan and for other purposes, including, without limitation, serving as agent for the City with respect to the Memorial Drive Greenway Project; and

WHEREAS, the City has identified additional funding for the Memorial Drive Greenway Project in the amount of \$399,630.000 from Quality of Life Bond 2 District 5 Greenspace Funds, Fund Account Center Number 1C50-571001-Y63F062792BH; and

WHEREAS, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the use of the additional funding identified above for the Memorial Drive Greenway Project, and to authorize the execution of an amendment, if required, to that certain Intergovernmental Agreement between the City and the ADA relating to the Memorial Drive Greenway Project reflecting the authorization of such additional funding.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

1. Section 3 of the Greenway Acquisition Ordinance 05-O-2259 is hereby amended and replaced in its entirety to read as follows:

“The Mayor or her designee the Atlanta Development Authority (“ADA”), on behalf of the City, is hereby authorized to negotiate with land owners to purchase real property within the Memorial Drive Greenway Project area described in Exhibit A and to fund relocation costs and expenses and other Redevelopment Costs relating to such redevelopment activities, in an amount not to exceed \$3,699,630.00 (which amount includes up to \$3,300,000 in Series 2005 Bond proceeds and \$399,630.00 from the District 5 Quality of Life Bond 2 Greenspace Funds, Fund Account Center Number 1C50-571001-Y63F062792BH.”

2. The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization of the use of the additional funding for the Memorial Drive Greenway Project as contemplated herein.

3. That any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

4. That the provisions of any and all resolutions or ordinances, as and to the extent in conflict with this Ordinance, be and the same are hereby modified, amended, replaced or repealed, as the case may be, but only to the extent of the conflict. For purposes of clarification and without intending to limit the generality of the foregoing whatsoever, it is understood and agreed that except as expressly set forth herein or contemplated hereby, all remaining provisions of the Greenway Acquisition Ordinance shall survive and remain in full force and effect.

5. That this Ordinance shall be effective immediately upon its enactment.